



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,618	11/09/2000	Evgenij Beresin	4925-72	5589

7590 12/11/2003

Michael C Stuart Esq
Cohen Pontani Lieberman & Pavane
551 Fifth Avenue
Suite 1210
New York, NY 10176

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
2685	6

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,618

Applicant(s)

BERESIN ET AL.

Examiner

SIMON D NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 3-4,7-8,10-15,20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities: the term "voice-base" is a typing error. It should be "voice-based". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2,16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (EP 0843168 A2) in view of Towell (5,911,129).

Regarding claim 1, Matsuda discloses a voice avatar system (information processing apparatus) comprising a voice avatar module operatively arranged for receiving an input voice channel from a user terminal, modifying the input voice via a first voice avatar to create a modified voice and outputting the modified voice to an output voice channel, wherein the output voice channel is selectively connectable to each of a plurality of service providing voice based user communication (column 2 lines 14-58, column 13 line 35 to column 14 line 7, fig.1, 7). It should be noted that Matsuda discloses the information processing apparatus to be used in a terminal and in a server. However, Matsuda does not specifically disclose the terminal is a wireless terminal.

Towell, in the same kind of invention, discloses communication devices for storing a plurality of different voices to be used in a wireless connection, or cellular phones (column 4 lines 13, 65, column 5 lines 9-24, 52-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Matsuda, modified by Towell to wirelessly receive/transmit a desired voice signal in order to improve the voice conversation via wireless communication devices.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 1 as a method for apparatus claim 1

Regarding claims 2 and 19, Matsuda further discloses a memory (50 of fig.7) for storing a plurality of voice avatars, wherein a second selected voice avatar used for modifying the input voice channel is selectable from the plural avatars (column 13 lines 42-47).

Regarding claims 16-17, Matsuda discloses the voice avatar connected to the plurality of services on the Internet (fig. 24). However, Matsuda does not specifically disclose Voice-over-Internet-Protocol. It should be noted that Matsuda discloses the voice avatar to be used on the Internet. Therefore, it would have been obvious the Matsuda's communication system using Voice-over-Internet-Protocol to allow users to chat on the Internet in order to reduce the long distance service charge in comparing to the long distance telephone call service.

Art Unit: 2685

4. Claims 5-6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (EP 0843 168 A2) in view of Towell (5,911,129) as applied to claim 1 above, and further in view of Viktorsson et al. (6,397,080).

Regarding claims 5-6 and 9, Matsuda discloses the plurality of voice avatars stores in the memory of the terminal and an input device allowing user selection of the voice avatar from the plural of voice avatars (see claim 1, step 84 fig.35). However, Matsuda does not specifically disclose the voice avatar is arranged in the wireless mobile terminal.

Viktorsson discloses a wireless mobile terminal having an avatar for use in a voice mailbox message (figs. 1-2, column 3 line 43-46). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Matsuda, modified by Towell, and further modified by Viktorsson to store a voice avatar in a wireless device in order to improve the wireless service performance.

Allowable Subject Matter

5. Claims 3-4, 7-8, 10-15, 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3-4, 7-8, the prior art of record fails to teach the wireless terminal is connectable to a further service for retrieving a further voice avatar to be used for modifying the input voice channel.

Art Unit: 2685

Regarding claims 10-15, 20-22, the prior art of record fails to disclose a server comprises a memory including a plurality of voice avatars and wherein a second voice avatar is selectable from the plural voice avatars via the user terminal for modifying the input voice channel.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Application/Control Number: 09/710,618
Art Unit: 2685

Page 6

Simon Nguyen

December 2, 2003

A handwritten signature in black ink that reads "Simon Nguyen". The signature is written in a cursive style, with the first name "Simon" and the last name "Nguyen" clearly legible.